

ASSEMBLY BILL

No. 1453

Introduced by Assembly Member Daucher

February 22, 2005

An act to add Section 399.5 to the Code of Civil Procedure, relating to venue.

LEGISLATIVE COUNSEL'S DIGEST

AB 1453, as introduced, Daucher. Venue: production of groundwater.

Existing law sets forth the proper venue for the adjudication of various causes of action, as specified, and provides for the transfer of certain causes of action.

This bill would provide that only certain superior courts shall have venue in an action involving the right to produce groundwater, and would provide for the transfer of groundwater actions to those courts. The superior court in a specified list that is closest to the parcel of land at issue having the largest parcel groundwater basin would have venue. The presiding judge would be required to assign those actions to a judge having extensive experience in adjudicating the right to produce groundwater. The bill would also require the Judicial Council to promulgate special rules governing such actions, in consultation with the presiding judges of the specified courts, the Department of Water Resources, and the State Water Resources Control Board.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 399.5 is added to the Code of Civil Procedure, to read:

399.5. (a) Notwithstanding any other provision of law, only certain specified superior courts shall be the proper venue for actions involving the right to produce groundwater, and all actions involving the right to produce groundwater shall be transferred to the proper court. The superior court having venue in such an action shall be the superior court that is closest to the parcel of land at issue having the largest groundwater basin that is listed below:

- (1) Alameda County.
- (2) El Dorado County.
- (3) Los Angeles County.
- (4) Orange County.
- (5) Riverside County.
- (6) Sacramento County.
- (7) San Diego County.
- (8) San Luis Obispo County.
- (9) Sonoma County.

(b) The presiding judge shall assign all those actions to a judge having extensive experience in adjudicating the right to produce groundwater, and that assignment may not be challenged pursuant to Section 170.6.

(c) The Judicial Council shall promulgate special rules of practice and procedure and shall prescribe forms for use in connection with cases concerning the adjudication of rights to produce groundwater in consultation with the presiding judges of the superior court listed in subdivision (a), the Department of Water Resources, and the State Water Resources Control Board.